

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: John E. Schier
Serial No.: 09/737,679
Filed: December 14, 2000
Group Art Unit: 2137
Confirmation No.: 2124
Examiner: Tamara Teslovich
Title: SYSTEM, METHOD, AND DEVICE FOR PROVIDING
SECURE OPERATING ENVIRONMENTS FOR
COMPUTER SYSTEMS

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appeal Brief

Appellant has appealed to the Board of Patent Appeals and Interferences (the "Board") from the decision of the Examiner transmitted December 13, 2007, finally rejecting pending Claims 1-4, 6-14, 19-31, and 34-39.

Table of Contents

	<u>Page</u>
Real Party In Interest	3
Related Appeals and Interferences	4
Status of Claims.....	5
Status of Amendments.....	6
Summary of Claimed Subject Matter	7
Grounds of Rejection to be Reviewed on Appeal	9
Argument.....	10
I. Standards	10
II. Claims 1-4, 6-14, 19-31, and 34-36 comply with the written description requirement under 35 U.S.C. § 112.....	13
III. The PTO has Failed to Demonstrate the Requisite <i>Prima Facie</i> Showing of Each and Every Element as Required under 35 U.S.C. §102 in Rejecting Claims 37-39	14
IV. The PTO has Failed to Demonstrate the Requisite <i>Prima Facie</i> Showing of Each and Every Element as Required under 35 U.S.C. §102 in Rejecting Claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, and 31	15
V. The PTO has Failed to Demonstrate the Requisite <i>Prima Facie</i> Showing of Each and Every Element as Required under 35 U.S.C. §102 in Rejecting Claims 34-36	16
VI. The PTO has Failed to Demonstrate the Requisite <i>Prima Facie</i> Showing of Obviousness under 35 U.S.C. §103 in Rejecting Claims 12-14, 22, and 23	17
VII. The PTO has Failed to Demonstrate the Requisite <i>Prima Facie</i> Showing of Obviousness under 35 U.S.C. §103 in Rejecting Claims 26 and 29	18
Conclusion.....	19
Appendix A: Claims on Appeal.....	20
Appendix B: Evidence.....	28
Appendix C: Related Proceedings.....	29

Real Party In Interest

This Application is currently owned by Cisco Technology, Inc., as indicated by an assignment recorded on December 14, 2000 in the Assignment Records of the United States Patent and Trademark Office at Reel/Frame 011384/0979.

Related Appeals and Interferences

To the knowledge of Appellant's counsel, there are no known appeals, interferences or judicial proceedings that will directly affect or be directly affected by or have a bearing on the Board's decision regarding this Appeal.

Status of Claims

Claims 1-4, 6-14, 19-31, and 34-39 are pending in the Application and stand rejected pursuant to a final Office Action transmitted December 13, 2007 (the "Final Office Action") and an Advisory Action transmitted March 6, 2008 (the "Advisory Action"). Claims 1-4, 6-14, 19-31, and 34-39 are presented for appeal. All claims presented for appeal are shown in Appendix A, attached hereto, along with an indication of the status of those claims. Claims 5, 15-18, and 32-33 are cancelled.

Status of Amendments

All amendments submitted by Appellant were entered by the Examiner.

Summary of Claimed Subject Matter

With regard to the claims currently under Appeal, Appellant provides the following concise explanation of the subject matter recited in the claim elements. For brevity, **Appellant does not necessarily identify every portion of the Specification and drawings relevant to the recited claim elements.** Additionally, this explanation should not be used to limit Appellant's claims but is intended to assist the Board in considering the Appeal of this Application.

Independent Claim 1 recites a method for providing a secure operating environment for a network accessible system (*e.g.*, Figures 1 and 2; Page 7, Line 25 to Page 13, Line 27). The method includes accessing a communication module, where the communication module includes a delay timer and the delay timer includes a delay time interval (*e.g.*, Figures 1 and 2; Page 7, Line 29 to Page 8, Line 7; Page 12, Line 9 to Line 12). The method also includes comparing the delay time interval to an activity associated with the system communicating with the network, the activity being any communication between the system and the network (*e.g.*, Figures 1 and 2; Page 10, Line 9 to Line 21; Page 12, Line 12 to Line 21). The method further includes isolating the communication module and the delay timer from the network based on the comparison without terminating all power supplied to the communication module (*e.g.*, Figures 1 and 2; Page 10, Line 22 to Line 29; Page 12, Line 22 to Page 13, Line 3).

Independent Claim 19 recites a medium comprising encoded logic for providing a secure operating environment (*e.g.*, Figures 1, 2, and 4; Page 7, Line 25 to Page 13, Line 27; Page 15, Line 23 to Page 12 Line 12). The logic is operable to access a communication module, the communication module including a delay timer, the delay timer including a delay time interval (*e.g.*, Figures 1 and 2; Page 7, Line 29 to Page 8, Line 7; Page 12, Line 9 to Line 12). The logic is also operable to compare the delay time interval to activity operably associated with a system communicating with a network, the activity being any communication between the system and the network (*e.g.*, Figures 1 and 2; Page 10, Line 9 to Line 21; Page 12, Line 12 to Line 21). The logic is further operable to isolate the communication module and the delay timer from the network based on the comparison without terminating all power supplied to the communication module (*e.g.*, Figures 1 and 2; Page 10, Line 22 to Line 29; Page 12, Line 22 to Page 13, Line 3).

Independent Claim 24 recites a device operable to provide a secure operating environment (*e.g.*, Figures 1 and 2; Page 7, Line 25 to Page 13, Line 27). The device includes a communication module operable to communicate information via the network, the communication module includes a delay timer (*e.g.*, Figures 1 and 2; Page 7, Line 29 to Page 8, Line 7; Page 12, Line 9 to Line 12). The delay timer includes a delay time interval and is operable to disable communication between the network and the communication module with the delay timer without terminating all power to the communication module in response to a comparison of the delay time interval to any communication through the communication module (*e.g.*, Figures 1 and 2; Page 10, Line 9 to Line 29; Page 12, Line 12 to Page 13, Line 3).

Independent Claim 37 recites a method for providing a secure operating environment for a network accessible system (*e.g.*, Figures 1-3; Page 7, Line 25 to Page 15, Line 22). The method includes receiving, at a communication module, a plurality of TCP/IP packets from a remote network location (*e.g.*, Figure 3; Page 13, Line 30 to Page 14, Line 3). The method also includes detecting a period of inactivity between the remote network location and the communication module (*e.g.*, Figure 3; Page 14, Line 4 to Line 13). The method further includes initializing a delay timer to monitor the period of inactivity, the delay timer including a delay time interval (*e.g.*, Figure 3; Page 14, Line 4 to Line 13). The method further includes determining that the period of inactivity exceeds the delay time interval (*e.g.*, Figure 3; Page 14, Line 14 to Line 15). The method further includes storing a network reference operable to identify the remote network location (*e.g.*, Figure 3; Page 14, Line 15 to Line 18). The method further includes isolating the communication module from the remote network location without terminating all power supplied to the communication module (*e.g.*, Figure 3; Page 14, Line 18 to Line 21).

Grounds of Rejection to be Reviewed on Appeal

Appellant requests that the Board review the following rejections:

1. Claims 1-4, 6-14, 19-31, and 34-36 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement;
2. Claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, 31, and 34-36 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,892,901 issued to Landwehr et al. ("*Landwehr*");
3. Claims 37-39 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,084,766 to Netravali et al. ("*Netravali*");
4. Claims 12-14, 22, and 23 under 35 U.S.C. 103(a) as being unpatentable over *Landwehr*, and further in view of *Namma* and U.S. Patent No. 6,249,681 issued to Virtanen ("*Virtanen*");
5. Claim 26 under 35 U.S.C. 103(a) as being unpatentable over *Landwehr*, and further in view of *Virtanen*; and
6. Claim 29 under 35 U.S.C. 103(a) as being unpatentable over *Landwehr*, and further in view of U.S. Patent No. 5,495,480 issued to Yoshida ("*Yoshida*").

Argument

For at least the following reasons, the Examiner's rejections of Claims 1-4, 6-14, 19-31, and 34-39 are improper and should be reversed.

I. Standards

A. 35 U.S.C. §112

35 U.S.C. § 112, first paragraph, states: "The specification shall contain a written description of the invention, and of the manner and process or making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most clearly connected, to make and use the same . . . To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention." *See* M.P.E.P. § 2163(I).

B. 35 U.S.C. §102

With regard to 35 U.S.C. § 102 "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, "[t]he identical invention must be shown in as complete detail as contained in the . . . claim." M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, "[t]he elements must be arranged as required by the claim." *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131.

C. 35 U.S.C. §103(a)

The question raised under 35 U.S.C. § 103 is whether the prior art taken as a whole would suggest the claimed invention taken as a whole to one of ordinary skill in the art at the time of the invention. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. All words in a claim must be considered in judging the patentability of that claim against the prior art." M.P.E.P. § 2143.03 (citations omitted). In addition, even if all elements of a claim are disclosed in various prior art references, which is certainly not the case here as discussed below, the claimed invention taken as a whole still cannot be said to be obvious without some reason why one of ordinary skill at the time of the invention would have been prompted to modify

the teachings of a reference or combine the teachings of multiple references to arrive at the claimed invention.

The controlling case law, rules, and guidelines repeatedly warn against using an Appellant's disclosure as a blueprint to reconstruct the claimed invention. For example, the M.P.E.P. states, "The tendency to resort to 'hindsight' based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art." M.P.E.P. § 2142.

The U.S. Supreme Court's recent decision in *KSR Int'l Co. v. Teleflex, Inc.* reiterated the requirement that Examiners provide an explanation as to why the claimed invention would have been obvious. *KSR Int'l Co. v. Teleflex, Inc.*, 127 S.Ct. 1727 (2007). The analysis regarding an apparent reason to combine the known elements in the fashion claimed in the patent at issue "should be made explicit." *KSR*, 127 S.Ct. at 1740-41. "Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.* at 1741 (internal quotations omitted).

The new examination guidelines issued by the United States Patent and Trademark Office ("PTO") in response to the *KSR* decision further emphasize the importance of an explicit, articulated reason why the claimed invention is obvious. Those guidelines state, in part, that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57526, 57528-29 (Oct. 10, 2007) (internal citations omitted). The guidelines further describe a number of rationales that, in the PTO's view, can support a finding of obviousness. *Id.* at 57529-34. The guidelines set forth a number of particular findings of fact that must be made and explained by the Examiner to support a finding of obviousness based on one of those rationales. *See id.*

Furthermore, the M.P.E.P. explicitly states, "If [the] proposed modification would render the prior art invention being modified **unsatisfactory for its intended purpose**, then there is **no suggestion or motivation to make the proposed modification**." M.P.E.P. §

2143.03, citing *In re Gordon*, 733 F.2d 900 (Fed. Cir. 1984) (emphasis added); see *also KSR*, 127 S.Ct at 1739 (when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be nonobvious).

II. Claims 1-4, 6-14, 19-31, and 34-36 comply with the written description requirement under 35 U.S.C. § 112.

The PTO rejected Claims 1-4, 6-14, 19-31, and 34-36 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Final Office Action contends that the limitations “isolating the delay timer from the network” and “the communication module including a delay timer” of Claims 1, 19, and 24 are unsupported by the Specification. *See* Final Office Action, Page 7. Appellant traverses this rejection.

Appellant respectfully submits that given the Specification and Figures, one skilled in the art would reasonably conclude that the Appellant had possession of a communication module including a delay timer operable to be isolated from a network, as described in Claims 1, 19, and 24. For example, Figure 1 and Pages 7-11 of the Specification clearly describe delay timer 103 as part of communication module 101 and that delay timer 103 may be isolated from the network in conjunction with isolating communication module 101 from the network.

In Appellant’s Response filed September 20, 2007, Appellant pointed out numerous portions of the Specification that would lead one of ordinary skill in the art to conclude that Appellant had possession of a communication module including a delay timer. For example, Page 7, lines 29-31 of the Specification states that “[c]ommunication module 101 includes . . . a delay timer 103 that includes a delay time interval” (emphasis added), and yet the Examiner contends that the limitation “the communication module including a delay timer” of Claims 1, 19, and 24 is unsupported by the Specification. One skilled in the art can reasonably conclude that Appellant had possession of the claimed communication module including a delay timer based on this statement alone.

However, the Examiner incorrectly maintained the rejection stating: “one skilled in the art would have **no reason** to assume that communication module 101 **includes** delay timer 103.” *See* Final Office Action, Page 3 (emphasis added). The Examiner argues that the Specification only supports a single embodiment where the delay timer is coupled to communication module 101, but this argument fails. Whether or not the Specification also supports another embodiment in which the delay timer is coupled to the communication module 101, Appellant respectfully submits that one skilled in the art can reasonably conclude that Appellant had possession of a communication module **including** a delay timer.

For example, Page 7, lines 26-31 of the Specification explicitly describes those elements that communication module 101 includes, and those elements that are coupled to communication module 101, and **delay timer 103 is not described as coupled to communication module 101** (communication module 101 is “operably coupled to a processor 102 via data bus 107” “[c]ommunication module 101 includes . . . a delay timer 103 that includes a delay time interval”). Thus, Appellant respectfully submits that one skilled in the art can reasonably conclude that Appellant had possession of a communication module including a delay timer at least because Appellant’s Specification clearly describes that communication module 101 **includes** a delay timer 103 and is **coupled to** a processor 102 at Page 7, lines 25-31 of the Specification.

For at least these reasons, Appellant respectfully submits that the Specification describes the claimed invention in sufficient detail such that one skilled in the art can reasonably conclude that the Appellant had possession of the claimed invention, thus satisfying the written description requirement of 35 U.S.C. § 112. Therefore, Appellant respectfully submits that Claims 1-4, 6-14, 19-31, and 34-36 comply with the written description requirement under 35 U.S.C. § 112. Reconsideration and favorable action are requested.

III. The PTO has Failed to Demonstrate the Requisite *Prima Facie* Showing of Each and Every Element as Required under 35 U.S.C. §102 in Rejecting Claims 37-39

The PTO rejected Claims 37-39 under 35 U.S.C. 102(b) as being anticipated by *Netravali*. Appellant traverses this rejection.

Claim 37 is allowable at least because *Netravali* does not teach or suggest “isolating the communication module from the remote network location without terminating all power supplied to the communication module.” The Final Office Action alleges that Column 3, lines 48-50 disclose isolating the communication module, but this is incorrect. At no point does *Netravali* teach or suggest **isolating** a communication module. Instead, *Netravali* teaches detecting failures in blocks of data packets transmitted to a receiver (the alleged communication module) and retransmitting the failed blocks. Column 3, lines 48-51 of *Netravali* states that a wait indicator is set at the transmitter after a block is retransmitted “to prevent further retransmissions until the retransmitted block has sufficient time to be received and sufficient time to acknowledge the reception.” Therefore, even assuming for the sake of

argument that *Netravali* discloses a wait indicator, *Netravali* does not teach or suggest **isolating** the receiver because **the receiver of *Netravali* continues to receive retransmitted blocks of data packets while the transmitter awaits acknowledgement.**

For at least these reasons, Claim 37 is allowable as are Claims 38 and 39 depending therefrom. Reconsideration and favorable action are requested.

IV. The PTO has Failed to Demonstrate the Requisite *Prima Facie* Showing of Each and Every Element as Required under 35 U.S.C. §102 in Rejecting Claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, and 31

The PTO rejected Claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, and 31 under 35 U.S.C. 102(b) as being anticipated by *Landwehr*. Appellant traverses this rejection.

Claim 1 is allowable at least because *Landwehr* does not teach or suggest “comparing the delay time interval to an activity associated with the system communicating with the network, the activity being any communication between the system and the network” and “isolating the communication module **and the delay timer** from the network based on the comparison” (emphasis added). The Final Office Action alleges that the delay timer is part of the system that is isolated in *Landwehr*, but this is incorrect. Instead, Column 5, lines 29-34 of *Landwehr* **identifies the delay timer as being part of detector 18 as follows:**

In this manner, detector 18 generates a plurality of timing periods which are available to detector 18, e.g. the idle time period and time period to shutdown described above. These, together with the counter in processor 20, constitute the timer of detector 18.

This argument was presented in Appellant’s Response filed on November 10, 2006. The Final Office Action does not respond to this argument. Instead, the Final Office Action repeats the previous rejection, recites a previous version of Claim 1, and cites Column 3, lines 4-6 and Column 3, lines 26-28 of *Landwehr*. See Final Office Action, Page 9. Not only is this procedurally deficient, but it is incorrect because at no point does *Landwehr* teach isolating **the delay timer taught as part of detector 18**. Instead, the cited portions state “[i]nterlock 32 is disposed to selectably permit or block communication along line 30 and may also disconnect power from circuit 28,” and “FIG. 2 illustrates a preferred way to operate the system of FIG. 1. Initially, interlock 32 is set to isolate circuit 28 from communication line 30 and circuit 28 is shut down.” These portions clearly do not disclose

that the delay timer is isolated. Thus, at no point does *Landwehr* teach or suggest isolating the communication module and the delay timer from the network.

For at least these reasons, Claim 1 is allowable, as are all claims depending therefrom. Claims 19 and 24 are allowable for analogous reasons, as are Claims 2-4, 6-9, 11, 21, 25, 28, 30, and 31 depending therefrom. Reconsideration and favorable action are requested.

V. The PTO has Failed to Demonstrate the Requisite *Prima Facie* Showing of Each and Every Element as Required under 35 U.S.C. §102 in Rejecting Claims 34-36

The PTO rejected Claims 34-36 under 35 U.S.C. 102(b) as being anticipated by *Landwehr*. Appellant traverses this rejection.

In addition to depending from allowable independent claims, Claims 34-36 are allowable also at least because *Landwehr* does not teach or suggest “wherein the network implements a TCP/IP transport language protocol.” The Final Office Action cites Column 2, line 61 - Column 3, line 7 of *Landwehr* in rejecting this claim. Again, the Final Office Action is incorrect. The cited portion is completely devoid of any mention of a network implementing a TCP/IP language protocol, reciting in its entirety:

Detector 18 communicates to third circuit 28, and via link 2,6 to electronic interlock 32. Communication line 30 permits circuit 28 to communicate to one or more external circuits 33, with arrows 31a and 31b indicating that the communication between circuits 28 and 33 may be bi-directional. Interlock 32 is disposed to selectably permit or block communication along line 30 and may also disconnect power from circuit 28. Data line 30 may, of course, be a plurality of wires, data links, multiplexed lines, etc.

From the above recitation, it is clear that no mention is made of isolating a network implementing a TCP/IP transport language protocol. Instead, *Landwehr* is directed to a system that isolates devices such as a keyboard and mouse. See *Landwehr* Column 4, lines 1-5. Appellant respectfully submits that one would not be motivated to modify the keyboard and mouse devices of *Landwehr* to communicate over a network implementing a TCP/IP transport language protocol. For at least these reasons, Claims 34-36 are allowable. Reconsideration and favorable action are requested.

VI. The PTO has Failed to Demonstrate the Requisite *Prima Facie* Showing of Obviousness under 35 U.S.C. §103 in Rejecting Claims 12-14, 22, and 23

The PTO rejected Claims 12-14, 22, and 23 under 35 U.S.C. 103(a) as being unpatentable over *Landwehr*, and further in view of *Namma* and *Virtanen*. Appellant traverses this rejection.

In addition to depending from an allowable independent claim, Claim 12 is allowable also at least because the cited references do not teach or suggest “removing a communication module reference from a memory stack associated with the communication module, the communication module reference associated with enabling the communication module.” The Final Office Action concedes that *Landwehr* does not disclose the above limitations. *See* Final Office Action, Page 15. Rather, the Final Office Action relies on Column 6, lines 17-48 of *Namma* to teach the above limitations, but this is incorrect. *Namma* merely discloses erasing data from a **disconnection control table 42 that stores data indicative of non-communication**. Data from a **disconnection control table** in no way teaches or suggests a communication module reference **associated with enabling a communication module**. Lacking such details, *Namma* does not teach or suggest “removing a communication module reference from a memory stack associated with the communication module, the communication module reference associated with enabling the communication module.”

Moreover, the Examiner has failed to establish a *prima facie* case for obviousness, because the Examiner has failed to provide a clear articulation of the reason(s) why the claimed invention would have been obvious to one of skill in the art. Far from an explicit, articulated reasoning with some rational underpinning, the Examiner simply offers mere conclusory speculation that “[i]t would have been obvious to one of ordinary skill in the art to combine Lanwehr’s [sic] secure identification system with Namma’s teaching of removing data associated with communication connection in order to provide the improved method of disconnecting communication between clients and servers.” *See* Final Office Action, Page 15. According to the controlling case law, rules, and guidelines, this type of hindsight analysis, using Appellant’s claims as a roadmap for summarizing references—in this case mischaracterizing contradictory references—is impermissible. *See* M.P.E.P. § 2142; *KSR*, 127 S.Ct. at 1740-41; *Examination Guidelines*, 72 Fed. Reg. at 57528-29.

For at least these additional reasons, Claim 12 is allowable, as are Claims 13 and 14 depending therefrom. Claim 22 is allowable for analogous reasons, as is Claims 23 depending therefrom. Reconsideration and favorable action are requested.

VII. The PTO has Failed to Demonstrate the Requisite *Prima Facie* Showing of Obviousness under 35 U.S.C. §103 in Rejecting Claims 26 and 29

The PTO rejected Claim 26 under 35 U.S.C. 103(a) as being unpatentable over *Landwehr*, and further in view of *Virtanen*. The PTO rejected Claim 29 under 35 U.S.C. 103(a) as being unpatentable over *Landwehr*, and further in view of *Yoshiba*. Appellant traverses these rejections.

Although Appellant believes that these claims include limitations not disclosed in the cited references, Appellant submits that these claims are allowable at least because these claims depend from one of the allowable independent claims discussed above. Reconsideration and favorable action are requested.

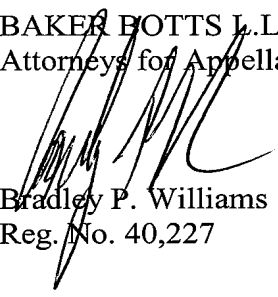
Conclusion

Appellant has demonstrated that the present invention, as claimed, is clearly distinguishable over the prior art cited by the Examiner. Therefore, Appellant respectfully requests the Board of Patent Appeals and Interferences to reverse the Examiner's final rejection of the pending claims and instruct the Examiner to issue a notice of allowance of all pending claims.

The Commissioner is hereby authorized to charge **\$510.00** in payment for this Appeal Brief, any other fee and credit any overpayment, to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Appellant


Bradley P. Williams
Reg. No. 40,227

Date: 6/16/08

CORRESPONDENCE ADDRESS:

Customer No.: **05073**

Appendix A: Claims on Appeal

1. (Previously Presented) A method for providing a secure operating environment for a network accessible system comprising:

accessing a communication module, the communication module including a delay timer, the delay timer including a delay time interval;

comparing the delay time interval to an activity associated with the system communicating with the network, the activity being any communication between the system and the network; and

isolating the communication module and the delay timer from the network based on the comparison without terminating all power supplied to the communication module.

2. (Original) The method of Claim 1, further comprising disabling the communication module if the communication module remains idle for a time period greater than the delay time interval.

3. (Original) The method of Claim 2, wherein the disabling includes reducing a power state associated with the communication module.

4. (Original) The method of Claim 3, further comprising:
detecting a user initiated request to access the network;
altering the power state of the communication module;
initializing the communication module to communicate with the network; and
initializing the delay timer.

5. (Cancelled)

6. (Original) The method of Claim 1, wherein the isolating further comprises disconnecting a communication port associated with the communication module.

7. (Original) The method of Claim 1, further comprising initializing the delay timer in response to the system initiating communication with the network.

8. (Original) The method of Claim 1, further comprising adjusting the delay time interval using a software interface associated with the delay timer.

9. (Original) The method of Claim 1, further comprising adjusting the delay time interval using a hardware interface associated with the delay timer.

10. (Original) The method of Claim 1, further comprising:
locating a reference within a memory associated with the delay timer, the reference operably associated with enabling the communication module; and
removing the reference in response to the communication module being idle for a time period greater than the delay time interval.

11. (Original) The method of Claim 1, further comprising:
accessing a network location;
disabling the communication module upon the communication module being idle for a time period greater than the delay time interval; and
enabling the communication module upon determining a request to access the network location.

12. (Original) The method of Claim 11, further comprising:
storing a network reference operable to identify the network location;
removing a communication module reference from a memory stack associated with the communication module, the communication module reference associated with enabling the communication module;
disabling the communication module upon the communication module remaining idle for a time period greater than the delay time interval; and
copying the communication module reference to the memory stack upon detecting a request by the system to access the network location.

13. (Original) The method of Claim 12, further comprising:
enabling the communication module; and
accessing the network location using the network reference.
14. (Original) The method of Claim 12, further comprising initializing the delay
timer upon detecting a user initiated request to access the network.
15. (Cancelled)
16. (Cancelled)
17. (Cancelled)
18. (Cancelled)

19. (Previously Presented) A medium comprising encoded logic for providing a secure operating environment operable to:

access a communication module, the communication module including a delay timer, the delay timer including a delay time interval;

compare the delay time interval to activity operably associated with a system communicating with a network, the activity being any communication between the system and the network; and

isolate the communication module and the delay timer from the network based on the comparison without terminating all power supplied to the communication module.

20. (Original) The medium of Claim 19, further comprising logic operable to:

locate a reference within a memory associated with the delay timer, the reference operably associated with enabling the communication module; and

remove the reference in response to the communication module being idle for a time period greater than the delay time interval.

21. (Original) The medium of Claim 19, further comprising logic operable to:

access a network location;

disable the communication module upon the communication module being idle for a time period greater than the delay time interval; and

enable the communication module upon determining a request to access the network location.

22. (Original) The medium of Claim 21, further comprising logic operable to:
store a network reference operable to identify the network location;
remove a communication module reference from a memory stack associated with the communication module, the communication module reference associated with enabling the communication module;
disable the communication module upon the communication module remaining idle for a time period greater than the delay time interval; and
copy the communication module reference to the memory stack upon detecting a request by the system to access the network location.

23. (Original) The medium of Claim 22, further comprising logic operable to:
enable the communication module; and
access the network location using the network reference.

24. (Previously Presented) A device operable to provide a secure operating environment for accessing a network comprising:

a communication module operable to communicate information via the network;

the communication module including a delay timer; and

the delay timer including a delay time interval and operable to disable communication between the network and the communication module with the delay timer without terminating all power to the communication module in response to a comparison of the delay time interval to any communication through the communication module.

25. (Original) The device of Claim 24, further comprising:

a data bus coupled to the communication module and a processor; and

the data bus operable to communicate information based on the delay time interval.

26. (Original) The device of Claim 24, further comprising a memory operable to store the delay time interval.

27. (Original) The device of Claim 24, further comprising a communication module reference operable to be stored within the memory.

28. (Original) The device of Claim 24, further comprising the delay time interval programmed via an interface associated with the delay timer.

29. (Original) The device of Claim 28, further comprising the delay time interval programmed using a delay time interval reference and a communication module reference.

30. (Original) The device of Claim 24, further comprising a power state operably associated with the delay timer and the power state operable to provide power to the communication module.

31. (Original) The device of Claim 24, further comprising:
a communication port communicatively coupling the communication module and the network; and
the communication port operable based on the delay time interval.

32. (Cancelled)

33. (Cancelled)

34. (Previously Presented) The method of Claim 1, wherein the network implements a TCP/IP transport language protocol.

35. (Previously Presented) The medium of Claim 19, wherein the network implements a TCP/IP transport language protocol.

36. (Previously Presented) The device of Claim 24, wherein the network implements a TCP/IP transport language protocol.

37. (Previously Presented) A method for providing a secure operating environment for a network accessible system comprising:

receiving, at a communication module, a plurality of TCP/IP packets from a remote network location;

detecting a period of inactivity between the remote network location and the communication module;

initializing a delay timer to monitor the period of inactivity, the delay timer including a delay time interval;

determining that the period of inactivity exceeds the delay time interval;

storing a network reference operable to identify the remote network location; and

isolating the communication module from the remote network location without terminating all power supplied to the communication module.

38. (Previously Presented) The method of Claim 37, further comprising:

re-establishing the connection between the communication module and the remote network location; and

accessing the remote network location from the communication module using the stored network reference.

39. (Previously Presented) The method of Claim 37, wherein receiving a plurality of TCP/IP packets from a remote network location at a communication module comprises receiving a plurality of TCP/IP packets from a software application hosted at the remote network location.

Appendix B: Evidence

NONE

Appendix C: Related Proceedings

NONE